

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BETH A. BARRY and)	
CHRISTIAN BARRY, her husband)	Civil Action No. 04 - 1506
)	
Plaintiffs,)	Judge Terrence F. McVerry
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
POTTERY-BARN, INC., and)	
WILLIAMS-SONOMA STORES, INC.,)	
)	
Defendants and Third Party)	
Plaintiff)	
)	
v.)	
)	
MAQUILADORA PRODUR, S.A. de)	
C.V., a foreign corporation, LASTING)	
PRODUCTS, INC., a foreign)	
corporation, and CERAMICA Y VIDRIO)	
DE NUEVO LEON, S.A. de C.V., a)	
foreign corporation,)	
)	
Third Party Defendants)	

ORDER

The above captioned case was received from the Court of Common Pleas of Allegheny County on October 1, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 27), filed on July 27, 2005, recommended that the Motion to Dismiss by Third Party Defendant Lasting Products, Inc. (Doc. No. 15) be denied without prejudice to refile if warranted following discovery on the issue of personal jurisdiction. Service was made on all counsel of record. The parties were

advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 11th day of August, 2005;

IT IS HEREBY ORDERED that the Motion to Dismiss by Third Party Defendant Lasting Products, Inc. (Doc. No. 15) is **DENIED** without prejudice to refile if warranted following discovery on the issue of personal jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 27) of Magistrate Judge Lenihan, dated July 26, 2005, is adopted as the opinion of the court.

Dated:

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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